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11 Attorneys for Plaintiff TRAVIS MOCK

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14

15 TRAVIS MOCK, an individual,,  
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17 Plaintiff,  
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19 v.  
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21 CITY OF ANAHEIM; ANAHEIM  
POLICE DEPARTMENT; OFFICER  
22 TIM SCHMIDT; and DOES 1-25  
inclusive,  
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24 Defendants.  
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Case No.: SACV12-829 BOS(Ex)

Assigned to: Hon. Beverly Reid  
O'Connell  
Dept: 14

**SECOND AMENDED  
JOINT EXHIBIT LIST**

Pre Trial Conference:  
Date: September 23, 2013  
Time: 3:00 p.m.  
Courtroom: 14

Trial Date: October 22, 2013  
Time: 8:30 a.m.  
Courtroom: 714

26 Defendants, City Of Anaheim and Officer Tim Schmidt, and Plaintiff  
27 Travis Mock hereby submit the following Joint Exhibit List pursuant to Local  
28 Rule 16-6.1:

<b><u>Mock v. Anaheim, et al.</u></b>		<b>Case No.: SACV12-829 BOS(Ex)</b>	
<b>Ex. #</b>	<b>Description of Exhibit</b>	<b>Objection/Reason for Objection</b>	<b>Reason for Admissibility</b>
1.	Photos of cell phone [D000504]		Admission Stipulated
2.	[Withdrawn]		
3.	Photos of cell phone [D000508]	<p>Relevance – FRE 401</p> <p>Prejudicial – FRE 403:</p> <p>The photograph depicts a toddler with the word “skum-fuck”. The Parties have already agreed to introduce a photograph of Plaintiff Mock’s cellular phone to support Defendant’s defense, thus making this exhibit duplicative. Also, the photograph is highly prejudicial since it is targeted to show Plaintiff as violent person. Also, the photograph is not relevant since Plaintiff’s cellular phone was</p>	<p>The Photos of plaintiff’s cell phones are relevant because they demonstrate that the phones could be turned on to access information that would identify Mock, which gave him motive to clutch the phone as he ran. Any potential prejudice can be cured with a proper limiting instruction.</p>

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		turned off during the entire time the incident occurred, hence there is no reason to have a photographs of Plaintiff's cellular phone turned on.	
4.	Scene photo 1 [FXCD0035]	Foundation – FRE 602	Plaintiff will establish Foundation.
5.	Photo of plaintiff's arm injury.	Relevance – FRE 401 Prejudicial – FRE 403: The photograph depicts Plaintiff's bare left arm that is full of tattoos of skulls and an anarchy insignia and a scratch to his wrist. Plaintiff has not alleged injury to his left wrist and is not seeking damages. Moreover, the photograph is highly prejudicial because the tattoos will evoke	The photo depicts an abrasion on the back of plaintiff's wrist which is probative of the disputed issue of how plaintiff fell during the incident. Extensive tattoos may also be relevant to plaintiff's damage claims. Any potential prejudice can be cured with a proper limiting instruction.

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		emotional bias against Plaintiff.	
6.	Photos of silver car		Admission Stipulated
7.	Scene photo 2 [FXCD0006]		Admission Stipulated
8.	Photos of scene	Foundation – FRE 602	Plaintiff will establish Foundation.
9.	Scene photo 3 [FXCD0022]		Admission Stipulated
10.	Scene photo 4 [FXCD0027]		Admission Stipulated
11.	Mock photo 1 [FXCD0003]		Admission Stipulated
12.	Schmidt photo 1 [FXCD0003]		Admission Stipulated
13.	2/17/11 Mock Interview [D000192-245]		
14.	9/3/10 Notice re Parole [D000797]	Hearsay – FRE 802 Relevance – FRE 401 Prejudicial – FRE 403: The Notice re Parole has no bearing in this case since it was discovered	Mock's signed acknowledgement showing that he was a parolee at time of incident is probative of his motive to flee and motive to clutch

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		after the incident that Plaintiff was a parolee. Moreover, the document will be highly prejudicial because it will evoke an emotional bias against Plaintiff for being a parolee.	his cell phone from his pocket. Mock's parolee status is also relevant to plaintiff's damage claims for economic loss	
15.	Plaintiff's responses to request for admissions	Relevance – FRE 401 Prejudicial – FRE 403, 609	Admitted felony convictions admissible under FRE 609.	
16.	2/17/11 OCDA Supplemental Report [D000075-77]	Hearsay – FRE 802 Relevance – FRE 401 Prejudicial – FRE 403: The District attorney report should be excluded because the information in the report was gathered from several witnesses, officers and attorneys. Moreover, the DA report sets forth facts of the	Defendants offer this document solely for its description of the physical evidence obtained from plaintiff after the incident, including the clothing that plaintiff was wearing <i>during</i> the incident. Plaintiff's objections can be resolved by redaction of	

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		case, based on several witnesses testimony, that occurred before the incident and after the incident, discusses the law, has legal analysis, and makes an opinion regarding Defendant's culpability.	extraneous material or stipulation.
17.	2007/08/02 APD Policy 300 – Use of Force [D000847-51]		
18.	APD Use of Force Training Bulletin [D000874-76]		
19.	Scene photo 5 [FXCD0002]	Foundation – FRE 602	The photograph illustrates the cul de sac and scene of the incident
20.	Scene photo 6 [FXCD0003]		Admission Stipulated
21.	Scene photo 7 [FXCD0015]	Foundation – FRE 602	Plaintiff will establish Foundation.

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22.	Scene photo 8 [FXCD0016]	Foundation – FRE 602	Plaintiff will establish Foundation.
23.	Scene photo 9 [FXCD0036]	Foundation – FRE 602	Plaintiff will establish Foundation.
24.	Mock photo 2 [FXCD0016]		Admission Stipulated
25.	Mock photo 3 [FXCD0017]		Admission Stipulated
26.	Western Medical Center – Medical Records [D000520-523; 530- 541; 565; 569-579; 600-606; 673-674; 686-697; 708; 710- 713; 725-729]	Foundation – FRE 602 Hearsay – FRE 802	Supports Plaintiff's injuries that resulted from his gunshot wound
27.	Western Medical Center – Billing Records [7 pages]	Foundation – FRE 602 Hearsay – FRE 802 Disclosure – FRCP 26	Supports Plaintiff's outstanding medical expenses.
28.	Isaac Schmidt, M.D. – Billing Records [1 page]	Foundation – FRE 602 Hearsay – FRE 802	Dr. Schmidt will testify as to the amount he charged Plaintiff to examine

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			him.
29.	10/11/12 report of orthopaedic consultation of Dr. Isaac Schmidt	[Per stip. - to refresh recollection only]	[not for admission]
30.	6/25/13 report of Joe Callanan	[Per stip. - to refresh recollection only]	[not for admission]
31.	6/26/13 report of Dr. Robert Baird	[Per stip. - to refresh recollection only]	[not for admission]
32.	7/27/13 report of Roger Clark	[Per stip. - to refresh recollection only]	[not for admission]
33.	8/7/13 supplement report of Dr. Isaac Schmidt	[Per stip. - to refresh recollection only]	[not for admission]
34.	District Attorney Letter Re: Officer Involved Shooting [D001037]	Relevance – FRE 401 Prejudicial – FRE 403 Foundation – FRE 602 Hearsay – FRE 802	Supports officer's failure to abide by police practice and guidelines and to credibility



1  
2 Dated: October 21, 2013

MICHAEL R.W. HOUSTON,  
CITY ATTORNEY

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5 Bv: /s/ Gregg M. Audet  
Gregg M. Audet  
6 Attorneys for Defendants  
7 City of Anaheim and  
Officer Tim Schmidt  
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10 Dated: October 21, 2013

SAYRE & LEVITT, LLP

11  
12 Bv: /s/ Mahadhi Corzano  
13 Federico Sayre  
Mahadhi Corzano  
Attorneys for Plaintiff Travis Mock  
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